

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CAYCE AMBER CARNILL,

Plaintiff,

Case No. 15-cv-14460
Honorable Gershwin A. Drain

v.

WILLIAM BEAUMONT HOSPITAL,
et al.,

Defendants.

**ORDER OF DISMISSAL AND FINDING APPLICATION TO PROCEED IN
FORMA PAUPERIS [#2] MOOT**

Plaintiff, Cayce Amber Carnill, filed her original Complaint on December 24, 2015, as well as an application to proceed *in forma pauperis*. See Dkt. Nos. 1 and 2. On December 29, 2015, this Court issued an Order for Plaintiff to show cause why this matter should not be dismissed for lack of jurisdiction. See Dkt. No. 3. The Court's Order required Plaintiff to "show cause in writing no later than January 22, 2016, or this case will be dismissed." *Id.* at 2. Plaintiff has failed to show cause in writing by the deadline set forth in this Court's December 29, 2015, Order.

Under § 1915(e)(2)(B), this Court may dismiss a complaint before service on a defendant if it is satisfied that the action is frivolous, malicious, if it fails to state a claim upon which relief may be granted, or if it seeks monetary relief from a

defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B). “[I]t is well established that federal courts are courts of limited jurisdiction, possessing only that power authorized by the Constitution and statute.” *Hudson v. Coleman*, 347 F.3d 138, 141 (6th Cir. 2003). “A court lacking jurisdiction cannot render judgment but must dismiss the cause at any stage of the proceedings in which it becomes apparent that jurisdiction is lacking.” *Sweeton v. Brown*, 27 F.3d 1162, 1169 (6th Cir. 1994) (quoting *United States v. Siviglia*, 686 F.2d 832, 835 (10th Cir. 1981), *cert. denied*, 461 U.S. 918 (1983)).

District courts have original jurisdiction over civil actions (1) alleging the deprivation of a constitutional right or a violation of the laws or treaties of the United States or (2) between citizens of different States where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs. 28 U.S.C. §§1331; 1332(a)(1). Here, there is no jurisdiction under 28 U.S.C. § 1331 because Plaintiff’s Complaint raises allegations concerning purported medical malpractice. There are no federal constitutional or statutory laws governing such a claim against non-government persons and entities. Additionally, there is no jurisdiction under 28 U.S.C. § 1332 because there is an absence of diversity jurisdiction. All of the parties are Michigan residents. Accordingly, this matter must be dismissed because jurisdiction is lacking. *Sweeton*, 27 F.3d at 1169.

Plaintiff's Complaint is DISMISSED. Plaintiff's Application to Proceed *In Forma Pauperis* [#2] is therefore MOOT.

SO ORDERED.

Dated: January 29, 2016

/s/Gershwin A. Drain

GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 29, 2016, by electronic and/or ordinary mail.

/s/ Tanya Bankston
Case Manager